

APPEAL NO. 010619

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on March 8, 2001. The hearing officer determined that the respondent (claimant herein) was entitled to supplemental income benefits (SIBs) for the sixth compensable quarter. The appellant (carrier herein) files a request for review and the claimant responds.

DECISION

Finding sufficient evidence to support the decision of the hearing officer and no reversible error in the record, we affirm the decision and order of the hearing officer.

The Appeals Panels has previously affirmed determinations that the claimant was entitled to SIBs in the second, third, fourth and fifth quarters in Texas Workers' Compensation Commission Appeal No. 000365, decided March 31, 2000; Texas Workers' Compensation Commission Appeal No. 001170, decided July 6, 2000; Texas Workers' Compensation Commission Appeal No. 002443, decided November 29, 2000; and Texas Workers' Compensation Commission Appeal No. 002851, decided January 22, 2001, respectively. As the hearing officer points out the carrier raises many of the same arguments in the present case that have been rejected by hearing officers and the Appeals Panel regarding previous quarters. The crux of the matter is that the claimant is working as a full-time minister earning less than when was injured working as a meat cutter. The carrier argues that the claimant's reduced wages are due to his choice of profession rather than his injury. The claimant argues that he is unable to work as a meat cutter and is working full-time as a minister. Most of the arguments made by the carrier have been rejected in previous quarters and we incorporate by reference those previous Appeals Panel decisions cited above into our present decision. The only new argument the carrier posits is that the fact the claimant had been concurrently employed as a minister at the same time he was employed as a meat cutter should bar him from entitlement to SIBs because the claimant failed to seek a second job.

The requirement of good faith job search, which is the basis upon which the carrier is challenging the claimant's eligibility to SIBs, is met if the claimant is in a job relatively equal to the one on which he was injured. The hearing officer obviously believes this to be so in the present case. We find no authority for the carrier's argument that the claimant must seek a second job. Nor do we find any merit in the carrier's argument that the claimant needs to show proof that he is "building up the business" of his church. We note that this is a case of employment rather than self-employment. Further, the claimant did show he received a salary increase.

The decision and order of the hearing officer are affirmed.

Gary L. Kilgore
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Susan M. Kelley
Appeals Judge